

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD R. DEBOSE,
Plaintiff,

No. C 14-5268 SI (pr)

ORDER OF DISMISSAL

v.

STATE OF CALIFORNIA; et al.,
Defendants.

Donald R. DeBose filed this *pro se* prisoner's civil rights action under 42 U.S.C. § 1983. The court reviewed the complaint and found that it had numerous deficiencies; most importantly, the complaint failed "to provide a 'short and plain statement of the claim showing that the pleader is entitled to relief.'" Docket # 12 at 2. The court dismissed the complaint with leave to file an amended complaint by March 27, 2015, and cautioned that the action would be dismissed if the amended complaint was not filed by the deadline. *Id.* at 5. The court dismissed this action on April 28, 2015 because plaintiff had not filed the amended complaint that was due a month earlier. Plaintiff then filed a motion for reconsideration, urging the court to set aside the dismissal because he had sent in a request for extension of time on March 11, 2015 but did not receive ruling on that request before his amended complaint was due or before the action was dismissed. The court granted the motion for reconsideration, and vacated the dismissal. The court ordered plaintiff to file an amended complaint curing the deficiencies identified in the order of dismissal with leave to amend no later than June 22, 2015. The court warned plaintiff: "No extensions of this deadline should be expected because plaintiff already had three months to prepare his amended complaint before learning of the dismissal of the action, i.e., a diligent plaintiff would have working on the amended complaint since receiving the February 25, 2012


1 order of dismissal with leave to amend until receiving the April 28, 2015 order of dismissal."
2 Docket # 17 at 2.

3 Plaintiff has filed a motion for a 45-day extension of the deadline to file his amended
4 complaint because he was put in administrative segregation and was separated from his property
5 on an unstated date. Docket # 18 at 3. The motion was mailed on June 19, 2015. The motion
6 does not state when plaintiff was put in administrative segregation, how much of his amended
7 complaint he had completed, why he failed to file his amended complaint before being placed
8 in administrative segregation, or why he expects it will take until early August to be reunited
9 with his property. Plaintiff has had many months to prepare and file his amended complaint
10 since the February 25, 2015 order of dismissal with leave to amend and has not provided good
11 cause to once again extend the deadline for that pleading. When the court order a party to file
12 something, accomplishing that task has to become one of the litigant's highest priorities, but
13 compliance with the court's order appears not to have been much of a priority at all for this
14 plaintiff. A reasonably diligent plaintiff might need several days or possibly weeks (but
15 certainly not months) to prepare an amended complaint. The motion for another extension of
16 the deadline to file the amended complaint is DENIED. Docket # 18.

17 Plaintiff has not filed an amended complaint and the deadline by which to do so has
18 passed. Accordingly, this action is DISMISSED for failure to provide a short and plain
19 statement of the claim showing that plaintiff is entitled to relief. The clerk shall close the file.

20 IT IS SO ORDERED.

21 Dated: June 24, 2015



SUSAN ILLSTON
United States District Judges